

**DENTISTRY EXAMINING BOARD
MEETING MINUTES
SEPTEMBER 5, 2018**

PRESENT: Lisa Bahr; Debra Beres, RDH (*excused at 3:15 p.m.*); Matthew Bistan, DDS; Mark Braden, DDS; Christopher J. Callen; Leonardo Huck, DDS; Lyndsay Knoell, DDS (*excused at 3:15 p.m.*); Dennis Myers, Wendy Pietz, DDS (*excused at 1:52 p.m. and rejoined via teleconference at 1:52 p.m.*); Carrie Stempski, RDH; and Beth Welter, DDS

STAFF: Erin Karow, Executive Director; Sharon Henes, Administrative Rules Coordinator; Kate Stolarzyk, Bureau Assistant; and other Department staff

CALL TO ORDER

Debra Beres, Chair, called the meeting to order at 9:15 a.m. A quorum of eleven (11) members was confirmed.

ADOPTION OF AGENDA

Amendments:

- *Add the Pledge of Allegiance to Item A; after the Call to Order*

MOTION: Beth Welter moved, seconded by Dennis Myers, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

Amendments:

- *Change Mark Braden to Debra Beres under Closed Session*

MOTION: Lyndsay Knoell moved, seconded by Mark Braden, to approve the minutes of May 9, 2018 as amended. Motion carried unanimously.

ADMINISTRATIVE UPDATES

Board and Staff Updates

MOTION: Debra Beres moved, seconded by Mark Braden, to thank and recognize Eileen Donohoo for her eight years of service to the Dentistry Examining Board. Motion carried unanimously.

9:00 A.M. PUBLIC HEARING: CLEARINGHOUSE RULE 18-063, RELATING TO DELEGATION OF FUNCTIONS TO UNLICENSED PERSONS

MOTION: Lyndsay Knoell moved, seconded by Dennis Myers, to authorize the Chair approve the Legislative Report and Draft for Clearinghouse Rule 18-063, relating to delegation of functions to unlicensed persons, for submission to the Governor's Office and Legislature. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULE MATTERS – DISCUSSION AND CONSIDERATION

DE 2 and 3, Relating to Licensure and the Practice of Dental Hygiene

MOTION: Mark Braden moved, seconded by Wendy Pietz, to authorize the Chair to approve the preliminary rule draft of DE 2 and 3, relating to licensure and the practice of Dental Hygiene for Public Hearing. Motion carried unanimously.

DE 8, Relating to Relating to Preservation and Transfer of Patient Health Care Records (2017 Wisconsin Act 116)

MOTION: Mark Braden moved, seconded by Lyndsay Knoell, to authorize the Chair to approve the preliminary rule draft of DE 8, relating to preservation and transfer of patient health care records, for posting of economic impact comments and submission to the Clearinghouse. Motion carried unanimously.

(Wendy Pietz was excused at 1:52 p.m. and rejoined via teleconference)

2017 Wisconsin Act 262 Report

MOTION: Christopher Callen moved, seconded by Dennis Myers, to designate the Chair to approve the 2017 Wisconsin Act 262 Report prior to submission. Motion carried unanimously.

**PRESCRIPTION DRUG MONITORING PROGRAM (PDMP) REFERRAL CRITERIA FROM
CONTROLLED SUBSTANCES BOARD – DISCUSSION AND CONSIDERATION**

MOTION: Wendy Pietz moved, seconded by Matthew Bistan, to refer to the DSPS Division of Legal Services and Compliance (DLSC) the top 4 prescribers and those in violation of the PDMP prescriber review requirement from the top 1% of prescribers from Section 2 of the September 5, 2018, Controlled Substances Board Prescription Drug Monitoring Program Prescribing Report to the Dentistry Examining Board. Motion carried on a vote of 10-1.

MOTION: Dennis Myers moved, seconded by Leonardo Huck, to recommend the Controlled Substances Board to refer PDMP Referral Criteria data to the Dentistry Examining Board at least quarterly for review. Motion carried. One abstention.

CLOSED SESSION

MOTION: Lyndsay Knoell moved, seconded by Leonardo Huck, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Mark Braden, Chair, read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Lisa Bahr-yes; Debra Beres-yes; Matthew Bistan-yes; Mark Braden-yes; Christopher J. Callen-yes; Leonardo Huck-yes; Lyndsay Knoell-yes; Dennis Myers-yes; Wendy Pietz-yes; Carrie Stempski-yes; Beth Welter-yes. Motion carried unanimously.

The Board convened into Closed Session at 3:04 p.m.

RECONVENE TO OPEN SESSION

MOTION: Lisa Bahr moved, seconded by Carrie Stempski, to reconvene to Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 3:42 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Christopher Callen moved, seconded by Mark Braden, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)

DELIBERATION DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Deliberation on Review of Administrative Warning

10:00 A.M. APPEARANCE: 16 DEN 090 – P.K.M.

MOTION: Mark Braden moved, seconded by Dennis Myers, to rescind the Administrative Warning in the matter of P.K.M., DLSC Case Number 16 DEN 090. Motion carried unanimously.

MOTION: Mark Braden moved, seconded by Dennis Myers, to close DLSC Case Number 16 DEN 090 for insufficient evidence. Motion carried unanimously.

Deliberation on Proposed Final Decision and Orders

***Jeffrey T. Slavik, D.D.S.; Respondent
DHA Case Number SPS-18-0020/DLSC Case Number 16 DEN 086***

MOTION: Dennis Myers moved, seconded by Beth Welter, to adopt the Findings of Fact, Conclusions of Law, and Proposed Decision and Order in the matter of disciplinary proceedings against Jeffrey T. Slavik, D.D.S., Respondent – DHA Case Number SPS-18-0020/DLSC Case Number 16 DEN 086. Motion carried unanimously.

(Leonardo Huck recused himself and left the room for deliberation and voting in the matter concerning Jeffrey T. Slavik, D.D.S., DHA Case Number SPS-18-0020/DLSC Case Number 16 DEN 086.)

Proposed Stipulations, Final Decisions and Orders

MOTION: Mark Braden moved, seconded by Matthew Bistan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings in the following cases:

1. 17 DEN 001 – Mark J. Greulich, D.D.S.
2. 17 DEN 035 – Robert G. Moulton, D.D.S.
3. 17 DEN 079 – Michael S. LaFratta, D.D.S.

Motion carried unanimously.

(Debra Beres and Lyndsay Knoell were excused at 3:15 p.m.)

Case Closings

MOTION: Lisa Bahr moved, seconded by Leonardo Huck, to close the following DLSC cases for the reasons outlined below:

1. 17 DEN 034 – M.M. – Prosecutorial Discretion (P2)
2. 17 DEN 037 – S.T.T. – Insufficient Evidence
3. 17 DEN 065 – J.D.G. – Prosecutorial Discretion (P5 Flag)
4. 17 DEN 071 – S.M. – Insufficient Evidence
5. 17 DEN 102 – A.J.S. – Prosecutorial Discretion (P2)
6. 17 DEN 105 – H.A. – No Violation
7. 18 DEN 032 – A.L.E. – No Violation
8. 18 DEN 036 – A.M. – Lack of Jurisdiction (L2)

Motion carried unanimously.

ADJOURNMENT

MOTION: Lisa Bahr, seconded by Leonardo Huck, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:43 p.m.